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EXAMINER

ZECHER, MICHAEL R

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3691

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/788,679

Applicant(s)

FERRERA ET AL.

Examiner

MICHAEL R. ZECHER

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a first, non-final Office Action following a Request for Continued Examination entered on November 24, 2008. **Claims 1-24** are pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 13-20** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 13-20 are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, stating that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876). The process steps in claims 13-20 are not tied to another statutory class nor do they execute a transformation. Thus, they are non-statutory.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilgour et al. (U.S. 2003/0018563), and further in view of Dunn & Bradstreet, Inc., Small Business Solutions, Sample Flower Company, April 27, 2002 ("D&B").

As per claim 1, Kilgour et al. teaches a system for providing access to detailed payment experience, comprising:

at least one processor for capturing detailed trade data from a plurality of sources (See paragraphs 24 & 96, which discusses a processor and an electronic repository of trade information), calculating a plurality of summarized variables (See paragraphs 96, 97, 106, & 205, which discusses suitable parameters) and a manner of payment (See paragraph 220-234, which discusses payment analysis) and a high credit amount based on said detailed trade data (See paragraphs 84 & 144-153, which discusses credit scores and credit risk); and

at least one storage device for storing and providing access to said detailed trade data, said plurality of summarized variables, and said plurality of scores (See paragraphs 23-26, which discusses respective databases).

However, Kilgour et al. does not expressly disclose calculating a plurality of scores using said summarized variables, and providing a report using said detailed trade data, said plurality of summarized variables, and said plurality of scores.

D&B discloses a comprehensive report tracking key business changes (See pg.

1)

Both Kilgour et al. and D&B disclose methods of collecting and analyzing business data. D&B discloses calculating scores using variables & trade data and disclosing the

calculations in a report (See D&B, which illustrates and discusses calculated credit scores and payment analysis). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kilgour et al. to include providing a report disclosing calculated scores using parameters and trade data, including payment and credit, as taught by D&B in order to combine the known features of analyzing business data and trading documentation to achieve the predictable result of providing data integration of trade data and credit risks.

As per claim 2, Kilgour et al. does not disclose wherein said plurality of summarized variables is computed for a time period selected from [the] group consisting of: 3-months, 6-months, and 9-months.

D&B discloses payment trends at 3, 6, & 9 months (See D&B, which illustrates and discusses computing variables at 3, 6, & 9 months). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kilgour et al. to include computing variables at 3, 6, & 9 months as taught by D&B in order to combine the known features of analyzing business data and pre-determined time periods to achieve the predictable result of providing documentation of analyzed trade data and credit risks ever three months.

As per claim 3, Kilgour et al. does not disclose wherein the manner of payments and said high credit amount are calculated for a 24-month period.

D&B discloses determining high credit and payments for a two year period (See D&B, which illustrates and discusses determining payments and high credit amount over a pre-determined time period). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Kilgour et al. to include calculating payment trends and credit risk over a two year period as taught by D&B in order to combine the known features of analyzing business data and pre-determined time periods to achieve the predictable result of providing documentation of analyzed trade data and credit risks for a two year period.

As per claim 4, Kilgour et al. does not disclose wherein said plurality of scores is calculated for a time period selected from the group consisting of: 3-months, 6-months, 9-months, 12-months, and 16-months.

D&B discloses payment trends at 3, 6, 9, 12, & 16 months (See D&B, which illustrates and discusses computing scores at 3, 6, 9, 12, & 16 months). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kilgour et al. to include computing scores at 3, 6, 9, 12, & 16 months as taught by D&B in order to combine the known features of analyzing business data and pre-determined time periods to achieve the predictable result of providing documentation of analyzed trade data and credit risks ever three months.

As per claim 5, Kilgour et al. teaches a system for providing access to detailed payment experience, comprising:

a data acquisition component capturing detailed trade from a plurality of sources (See paragraphs 24 & 96, which discusses a processor and an electronic repository of trade information);

a data calculator for calculating a plurality of summarized variables and a manner of payment and a high credit amount based on said detailed trade data (See

paragraphs 84, 96, 97, 106, 144-153, 205, & 220-234, which discusses establishing suitable parameters, respective payment analysis, and applicable credit scores and credit risk); and

at least one storage device for storing and providing access to said detailed trade data, said plurality of summarized variables, and said plurality of scores (See paragraphs 23-26, which discusses respective databases).

However, Kilgour et al. does not disclose:

a data synthesizer for calculating a plurality of score using said summarized variables; and

a reporter for providing a report using said detailed trade data, said plurality of summarized variables and said plurality of scores.

D&B discloses calculating scores using variables & trade data and disclosing the calculations in a report (See D&B, which illustrates and discusses calculated credit scores and payment analysis). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kilgour et al. to include providing a report disclosing calculated scores using variables and trade data as taught by D&B in order to combine the known features of analyzing business data and providing trading documentation to achieve the predictable result of providing data integration of trade data and credit risks.

Claims 6-8 recite equivalent limitations to claims 2-4, respectively, and are therefore rejected using the same art and rationale set forth above.

As per claim 9, Kilgour et al. teaches a data quality component for modifying data in said plurality of storage devices based on quality criteria (See paragraphs 23, 29, 146, & 151 which discusses enhancing quality, such as credit quality in regards to the seller's assets).

As per claim 10, Kilgour et al. does not disclose wherein said plurality of scores comprises an industry-specific score and a credit-range-specific score.

D&B discloses industry specific scores and credit scores (See D&B, which illustrates and discusses credit score summaries, credit score norms—including region and industry). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kilgour et al. to include industry specific scores and credit scores as taught by D&B in order to combine the known features of analyzing business data and credit evaluations to achieve the predictable result of providing trading documentation of trade data and credit risks in relation to a specific region or industry.

As per claim 11, Kilgour et al. teaches wherein said storage device is at least one selected from the group consisting of: a detailed trade data warehouse, a product trade data mart, and an analytical trade data mart (See paragraph 96, which discusses an electronic repositories containing accounts receivables (i.e. trade data)).

As per claim 12, Kilgour et al. does not disclose wherein said report comprises data selected from the group consisting of: a summary, a dollar-weighted indicator of payment performance, a trend analysis, payment experiences and any combination thereof.

D&B discloses a report that includes summaries, payment trends based on dollar weighted trade, and payment experience (See D&B, which illustrates and discusses summaries of credit scores and payment habits, and payment trends in terms of dollar weighted trade). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kilgour et al. to include reports comprising summaries, trend analysis, and payment experience as taught by D&B in order to combine the known features of analyzing business data and forms of documentation to achieve the predictable result of providing trading documentation of trade data and credit data in various forms.

As per claim 13, Kilgour et al. teaches a method for providing access to detailed payment experience, comprising:

capturing detailed trade from a plurality of sources (See paragraphs 24 & 96, which discusses a processor and an electronic repository of trade information);

calculating a plurality of summarized variables and a manner of payment and a high credit amount based on said detailed trade data (See paragraphs 84, 96, 97, 106, 144-153, 205, & 220-234, which discusses establishing suitable parameters, respective payment analysis, and applicable credit scores and credit risk); and

storing and providing access to said detailed trade data, said plurality of summarized variables, and said plurality of scores (See paragraphs 21 & 23-26, which discusses accessing the account receivables market via a dynamic trading mechanism; and, furthermore, respective databases).

However, Kilgour et al. does not disclose:

calculating a plurality of score using said summarized variables; and
providing a report using said detailed trade data, said plurality of summarized variables and said plurality of scores.

D&B discloses calculating scores using variables & trade data and disclosing the calculations in a report (See D&B, which illustrates and discusses calculated credit scores and payment analysis). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kilgour et al. to include providing a report disclosing calculated scores using variables and trade data as taught by D&B in order to combine the known features of analyzing business data and providing trading documentation to achieve the predictable result of providing data integration of trade data and credit risks.

Claims 14-16 recite equivalent limitations to claims 2-4, respectively, and are therefore rejected using the same art and rationale set forth above.

Claims 17-20 recite equivalent limitations to claims 9-12, respectively, and are therefore rejected using the same art and rationale set forth above.

As per claim 21, Kilgour et al. teaches a computer-readable medium having executable instructions stored thereon to perform a method for providing access to detailed payment experience, said method comprising:

capturing detailed trade from a plurality of sources (See paragraphs 24 & 96, which discusses a processor and an electronic repository of trade information);

calculating a plurality of summarized variables and a manner of payment and a high credit amount based on said detailed trade data (See paragraphs 84, 96, 97, 106,

144-153, 205, & 220-234, which discusses establishing suitable parameters, respective payment analysis, and applicable credit scores and credit risk); and

storing and providing access to said detailed trade data, said plurality of summarized variables, and said plurality of scores (See paragraphs 21 & 23-26, which discusses accessing the account receivables market via a dynamic trading mechanism; and, furthermore, respective databases).

However, Kilgour et al. does not disclose:

calculating a plurality of score using said summarized variables; and

providing a report using said detailed trade data, said plurality of summarized variables and said plurality of scores.

D&B discloses calculating scores using variables & trade data and disclosing the calculations in a report (See D&B, which illustrates and discusses calculated credit scores and payment analysis). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kilgour et al. to include providing a report disclosing calculated scores using variables and trade data as taught by D&B in order to combine the known features of analyzing business data and providing trading documentation to achieve the predictable result of providing data integration of trade data and credit risks.

Claims 22-24 recite equivalent limitations to claims 2-4, respectively, and are therefore rejected using the same art and rationale set forth above.

Response to Arguments

6. Applicant's arguments with respect to **claims 1-24** have been considered but are moot in view of the new grounds of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bagne (U.S. 6,317,700) discloses a computational method and system to perform empirical induction.

Stoker et al. (U.S. 2004/0162742) discloses a data integration method.

Balson et al. (U.S. 2003/0033240) discloses an integrated electronic exchange of structured contracts with dynamic risk-based transaction permissioning.

Nathan (U.S. 7,308,417) discloses a method for creating and displaying a multi-dimensional business model comparative static.

Patterson (U.S. 2003/0061232) discloses a method and system for processing business data.

Rowland et al. (U.S. 2006/0004595) discloses a data integration method.

Course et al. (U.S. 2006/0129483) discloses a method for transacting a trade electronically, and a system therefor.

Tozzoli et al. (U.S. 6,151,588) discloses a full service trade system.

Silverman et al. (U.S. 5,136,501) discloses an anonymous matching system.

Moshal et al. (U.S. 2001/0042041) discloses a method of configuring and conducting exchanges over a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. ZECHER whose telephone number is (571)270-3032. The examiner can normally be reached on M-F 7:30-5:00 alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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